

MIKEAL ANDREW HARDIN
35 London Lane
Sharpsburg, Georgia 30277
(404) 251-5018

ORIGINAL
FILE

May 28, 1992

Mr. Andrew C. Barret
Commissioner
Federal Communications Commission
1919 M Street
Washington D.C. 20554

RECEIVED

JUN 9 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Commissioner Barret:

Enclosed you will find my response to "Requests For Comment On
Proposals To Speed Processing Of MMDS Applications".

I am respectfully requesting that the original conditions under
which filing was executed be honored in good faith by the Federal
Communications Commission and that my interest in the pursuit of
obtaining a license through the original rules of alliance
agreements be regarded in a sincere and active investment
posture.

If I can be of further assistance or answer any questions for
you, please feel free to contact me at the address and telephone
number above.

Thank you for your attention to this important matter.

Sincerely,



Mikeal A. Hardin
Investor

Enclosure.

MAH/jmf

No. of Copies rec'd _____
List A B C D E _____

RESPONSE TO FCC "REQUEST FOR COMMENT"

PR DK 92-80

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED

JUN - 9 1992

ORIGINAL FILE

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed Mikeal A. Hardin

Date 05/27/92

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED
JUN - 9 1992

ORIGINAL
FILE

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC's position is that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed Thos. L. [Signature]

Date 5-28-92

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

JUN - 9 1992

ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "**preference credits**" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that **collectively** represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a **sincere** posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed Eva R. Busloe

Date June 1, 1992

PR DK 9280

RESPONSE TO FCC "REQUEST FOR COMMENT"

RECEIVED

JUN - 9 1992

ORIGINAL FILE

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant:

Signed

Don Scheel

Date

5/31/92

PR DK 92-80

RESPONSE TO FCC "REQUEST FOR COMMENT"

RECEIVED

JUN 29 1992

ORIGINAL FILE

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups"

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on **equal-footing** with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. **Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.**
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that **collectively** represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a **sincere** posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed Keith Cullingham

Date 5/28/92

PR DK 92-80

RESPONSE TO FCC "REQUEST FOR COMMENT"

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED
JUN 29 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a belief that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on **equal-footing** with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "**preference credits**" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "**preference credits**" and **alliance strategies** that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant:

Signed

Luciana Galeb

Date

5-31-92

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED
JUN 19 1992
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC adopted the position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed Kerry Anne Nguyen Date 5-31-92

PR DK 92-80

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to consideration of a retroactive rule change that would apply to "settlement groups".

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed Kennedy Jones

Date 6-31-92

Partnership

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED
JUN 29 1992

ORIGINAL
FILE

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that **collectively** represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed Carol Bismarck

Date 6/1/92

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

- RECEIVED
JUN 9 1992
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
ORIGINAL
- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated its position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
 - (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
 - (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
 - (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
 - (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that **collectively** represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed Richard W. Harper Esq.

Date 5-28-92

PR DK 92-80

RESPONSE TO FCC "REQUEST FOR COMMENT"

RECEIVED

JUN - 9 1992

ORIGINAL

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on **equal-footing** with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "**preference credits**" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. **Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.**
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that **collectively** represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed Larry Reed

Date 5-30-92

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

JUN 29 1992

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a particular interest in competition as a better approach, and that "wireless cable" technology could foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include complex engineering, technical specifications, interference analysis, legal data and financial certification to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually unconstitutional! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed

Elizabeth Varney

Date

June 1, 1992

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

JUN - 9 1992

RECEIVED
ORIGINAL FILED
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed Edward Briscoe

Date May 31, 1992

PR DK 92-80

RESPONSE TO FCC "REQUEST FOR COMMENT"

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED
JUN - 9 1992
ORIGINAL FILE

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable alternative to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. **Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.**
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that **collectively** represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed

SD Meier

Date

6/1/92

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED
JUN - 9 1992
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
ORIGINAL FILE

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed Edward W. Samoden Date May 30 1992

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED
JUN - 9 1992
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
ORIGINAL

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrates a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on **equal-footing** with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that **collectively** represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed

John Lytle

Date

6/1/92

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED

JUN - 9 1992

ORIGINAL FILED

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology **could be a viable candidate** to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on **equal-footing** with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that **collectively** represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed



Date

5-30-92

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

- RECEIVED
JUN 9 1992
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
ORIGINAL FILE
- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology **FEDERAL COMMUNICATIONS COMMISSION** foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on **equal-footing** with the media giants.
 - (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
 - (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
 - (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
 - (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed William Vivona

Date MAY 31, 1992

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

JUN - 9 1992

RECEIVED
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
ORIGINAL

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed

[Signature]

Date

May 30 1992

PR DK 92-80

RESPONSE TO FCC "REQUEST FOR COMMENT"

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED

ORIGINAL FILED

JUN 9 1992

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC intended a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the Commission to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on **equal-footing** with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "**preference credits**" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed

Stanley Dyley

Date

6/1/92

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED

JUN - 9 1992

ORIGINAL
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include complex engineering, technical specifications, interference analysis, legal data and financial certification to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually unconstitutional! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed Ronald F. E. Penberg

Date 6/1/92

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED
JUN - 9 1992
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
ORIGINAL FILE

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology **could** be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional**! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed Charles E. Freeman

Date 5-29-92

PRDK 92-80

RESPONSE TO FCC "REQUEST FOR COMMENT"

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

RECEIVED

JUN - 9 1992

ORIGINAL FILE

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology would be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "preference credits" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing alliance strategies enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include complex engineering, technical specifications, interference analysis, legal data and financial certification to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable. In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually unconstitutional! All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!

MMDS Applicant: Signed Susan Wood

Date May 30, 1992

PR DK 92-80

RESPONSE TO FCC "REQUEST FOR COMMENT"

Pursuant to the FCC's April 9th "request for comment on proposals to speed processing of MMDS applications", I hereby submit the comments below to address the FCC rules and related factors that significantly influenced my filing as a sincere MMDS applicant. Further, these comments reflect my firm position and opposition to any consideration of a retroactive rule change that would apply to "settlement groups".

JUN - 9 1992

RECEIVED
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
ORIGINAL FILED

- (a) As an adjunct to the efforts of Congress to re-regulate the cable industry, the FCC demonstrated a position that **competition** is a better approach, and that "wireless cable" technology could be a viable candidate to foster a competitive industry. The obvious Congressional objective was for the FCC to create a filing environment for the MMDS licenses that would attract qualified non-monopoly participation by average American citizens through rule-making which would enable them to compete on equal-footing with the media giants.
- (b) An anti-monopoly initiative was apparent in the FCC's adoption of a "random selection process" (lottery) in lieu of an auction that would have sold the MMDS licenses to the highest bidder.
- (c) This anti-monopoly rule-making was emphasized by the FCC's adoption of its rules regarding "**preference credits**" that would attract ordinary American citizens to the licensing process by crediting extra ping pong balls to minority applicants or applicants that do not own controlling interest in a mass media. Even more significant was the FCC's rules allowing **alliance strategies** enabling applicants to leverage their risks through post-filing, pre-lottery "settlement groups".
- (d) The FCC imposes rigid application criteria as a post-filing prerequisite without which applications could not qualify to be in the lottery. This criteria ruled that applications were to include **complex engineering, technical specifications, interference analysis, legal data and financial certification** to demonstrate feasibility as an application (if awarded the license) that could result in a developed MMDS system serving the public. Accordingly, the preparation of an application to include the aforementioned criteria can represent substantial costs to an applicant.
- (e) In view of the considerable costs to prepare a viable application, there is substantially more at risk to the applicant than a \$155.00 filing fee! **Understanding the risks, it was the FCC's own rule-making to allow "preference credits" and alliance strategies that made these risks acceptable.** In fact, without the FCC's rules specifically allowing "settlement groups", the Congressional objective to create a filing environment that would attract qualified non-monopoly participation by average American citizens would have failed miserably!

Conversely, the FCC has implied that MMDS applicants who would be party to alliances are "insincere speculators" with no real interest in seeing an awarded license developed to provide an MMDS service to the public. This implication ignores the viability of an awarded license being shared by a "settlement group" of co-owners with combined resources that collectively represent greater finance ability to foster a viable MMDS service. Ironically, the alliance concept of co-ownership appeals to applicants of a sincere posture but proves less appealing to "insincere speculators" often having a "win-it-all" lottery mentality.

- (f) For the FCC to now even entertain a retroactive change in the alliance rules under which thousands of applicants filed in good faith would be virtually **unconstitutional!** All due respects to law-making process that would "grandfather" individuals that filed under the previous rules, the FCC should nevertheless comprehend that to even consider any such retroactive rule change would still be a violation of the MMDS applicants' trust and constitutional rights as American citizens. **Alliance strategies, especially resulting in "full settlements", greatly leverage the lottery risk for the applicant and, per the preference of the FCC, expedite the administration of the awards process!**

MMDS Applicant: Signed



Date June 1, 1992